

Gregory B. Thomas (SBN 239870)
E-mail: gthomas@bwslaw.com
Michael A. Slater (SBN 318899)
E-mail: mslater@bwslaw.com
BURKE, WILLIAMS & SORESENSEN, LLP
1901 Harrison Street, Suite 900
Oakland, CA 94612-3501
Tel: 510.273.8780 Fax: 510.839.9104

Attorneys for Defendant
COUNTY OF SAN JOAQUIN

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MELBA SHAHEED, individually and as
co-successor-in-interest to EBIMOTOMI
AREICE SUALLA; HANEEF SHAHEED,
individually and as co-successor-in-interest
to EBIMOTOMI AREKE SUALLA,

Plaintiffs,

v.

COUNTY OF SAN JOAQUIN, and DOES
1-50, inclusive,

Defendants.

Case No. 2:21-cv-01109-JAM-DB

**STIPULATION AND ORDER
EXTENDING TIME FOR DEFENDANT
SAN JOAQUIN COUNTY TO FILE
RESPONSIVE PLEADING**

Complaint Filed: June 22, 2021
Trial Date: TBD

Plaintiffs Melba Shaheed and Haneef Shaheed (collectively, “Plaintiffs”) and Defendant San Joaquin County (the “County”) (altogether collectively, the “parties”), by and through their attorneys of record in the above-captioned matter, hereby stipulate and agree that:

WHEREAS, Plaintiffs filed their Complaint on June 22, 2021¹ (ECF No. 1);

WHEREAS, Plaintiffs served the County with the Summons and Complaint on June 24 (ECF No. 4);

WHEREAS, pursuant to Local Rule 144(a) of the United States District Court for the

¹ All dates refer to dates in 2021 unless otherwise indicated.

1 Eastern District of California, the parties stipulated to extend the County's deadline for responding
2 to Plaintiffs' Complaint to August 9 (ECF No. 5);

3 WHEREAS, pursuant to Judge Mendez's "Order Re Filing Requirements" (ECF No. 3-2),
4 on August 2 and August 4, counsel for the parties met and conferred to attempt to informally narrow
5 or resolve the issues to be raised in the County's contemplated Rule 12 motion to dismiss Plaintiffs'
6 Complaint;

7 WHEREAS, as a result of counsel for the parties' good-faith meet and confer efforts, the
8 parties stipulated (1) to give Plaintiffs until August 16 to file a First Amended Complaint to address
9 some or all of the issues which would have been raised in the County's contemplated Rule 12
10 motion to dismiss Plaintiffs' original Complaint, and (2) to extend the County's responsive pleading
11 deadline to August 30 (ECF No. 6), which this Court granted on August 9 (ECF No. 7);

12 WHEREAS, on August 16, Plaintiffs filed their First Amended Complaint (ECF No. 8);

13 WHEREAS, pursuant to Judge Mendez's "Order Re Filing Requirements" (ECF No. 3-2),
14 on August 23, 24 and 25, counsel for the parties met and conferred to attempt to informally narrow
15 or resolve the issues to be raised in the County's contemplated Rule 12 motion to dismiss Plaintiffs'
16 First Amended Complaint;

17 WHEREAS, as a result of counsel for the parties' good-faith meet and confer efforts,
18 Plaintiffs agreed to file a Second Amended Complaint by August 30 to address some or all of the
19 issues which would have been raised in the County's contemplated Rule 12 motion to dismiss
20 Plaintiffs' First Amended Complaint;

21 WHEREAS, on August 30, Plaintiffs filed their Second Amended Complaint (ECF No. 11);

22 WHEREAS, pursuant to Judge Mendez's "Order Re Filing Requirements" (ECF No. 3-2),
23 on September 2 and September 7, counsel for the parties met and conferred to attempt to informally
24 narrow or resolve the issues to be raised in the County's contemplated Rule 12 motion to dismiss
25 Plaintiffs' Second Amended Complaint, including the County's position that Plaintiffs' state law
26 claims against the County are time-barred under the limitations period set forth under the California
27 Tort Claims Act;

28 WHEREAS, on September 10, Plaintiffs filed a stipulated dismissal of Plaintiffs' state law

claims against the County pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) (ECF No. Doc. 12);

WHEREAS, counsel for the County is in the process of gathering, from various County agencies, the case file materials needed to prepare the County's Answer to Plaintiffs' Second Amended Complaint;

WHEREAS, the parties agree there is good cause for this Court to grant the County with a one-week extension of time for the County to prepare its Answer to Plaintiffs' Second Amended Complaint;

WHEREAS, only Plaintiffs and the County are affected by the parties' joint request that this Court to grant the County with a one-week extension of time for the County to prepare its Answer to plaintiffs' Second Amended Complaint;

WHEREFORE, the parties jointly seek an order from this Court extending the County's responsive pleading deadline to September 20;

NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties, through their respective counsel, that the County shall file its responsive pleading by September 20.

IT IS SO STIPULATED.

Dated: September ##, 2021

POINTER & BUELNA, LLP

By: /s/ Patrick M. Buelna

Adante D. Pointer
Patrick M. Buelna
Attorneys for Plaintiffs
MELBA SHAHEED and HANEEF
SHAHEED

Dated: September 10, 2021

BURKE, WILLIAMS & SORESENSEN, LLP

By: /s/ Michael A. Slater

Gregory B. Thomas
Michael A. Slater
Attorneys for Defendant
COUNTY OF SAN JOAQUIN

SIGNATURE ATTESTATION

Under Eastern District of California Civil Local Rule 131(e) (Fed. R. Civ. P. 7), I attest that I obtained concurrence in the filing of this document from all of the above signatories.

By: /s/ Patrick Buelna
Patrick Buelna

ORDER

The Court, having considered the parties' stipulation, and good cause appearing, ORDER that the County shall file its responsive pleading by September 20, 2021.

IT IS SO ORDERED.

Dated: September 13, 2021

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE